

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

WALTER COTTON,

Petitioner,

v.

**9:08-CV-0423
(LEK)**

SUPERINTENDENT,

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

WALTER COTTON

Petitioner, *pro se*

No. 87-C-0461

Mohawk Correctional Facility

P.O. Box 8451

Rome, NY 13440

HONORABLE LAWRENCE E. KAHN

U.S. District Judge

DECISION AND ORDER

By application dated April 14, 2008, Petitioner Walter Cotton, *pro se*, filed a Petition in this District seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. See Dkt. No. 1. Cotton neglected to either pay the \$5.00 filing fee required to maintain his Petition or submit a signed *in forma pauperis* application at the time he filed this action. Consequently, on April 17, 2008, this Court issued an Order which directed him to pay the filing fee or submit an *in forma pauperis* application within thirty days if he wished to proceed with this matter. See Apr. 2008 Order (Dkt. No. 2). The Order expressly provided that his failure to comply with its terms within thirty days could result in the dismissal of his Petition. Id.

To date, Cotton has not submitted the \$5.00 filing fee, provided the Court with a signed *in forma pauperis* application, or otherwise responded to the Court's April 2008 Order.

This action is therefore dismissed due to Cotton's failure to comply with the terms of the April 2008 Order. Petitioner is advised that should he choose to submit another habeas corpus petition relating to the conviction challenged herein – which he claims occurred in Monroe County Court – he should commence any such action in the U.S. District Court for the Western District of New York.

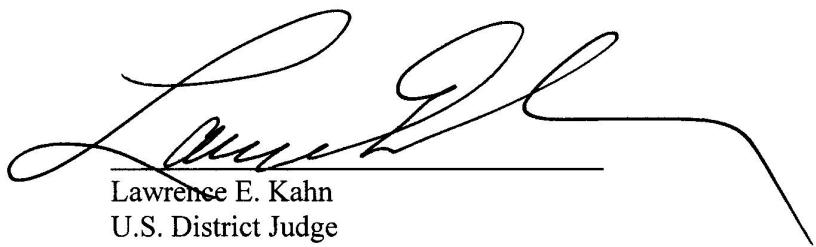
WHEREFORE, it is hereby

ORDERED, that the Petition (Dkt. No. 1) is **DISMISSED** due to Petitioner's failure to comply with the terms of the April 2008 Order; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Decision and Order on Petitioner in accordance with the Local Rules.

IT IS SO ORDERED.

DATED: July 02, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge